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SECURITY COUNCIL
Forty-ninth year

Letter dated 20 December 1994 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

In response to the report of the Secretary-General of 1 December 1994 (S/1994/1389) pursuant to Security Council resolution 959 (1994), we would make the following response. Our observations and comments will not address all the various assertions of fact and conclusions contained therein; rather, we will be concise, limiting ourselves to only a few critical observations in favour of maximizing the possibility of constructive conclusions.

Critical observations

First, the report (S/1994/1389), in most key aspects follows the rationale of the Secretary-General's previous reports of 9 and 19 May 1994 (S/1994/555 and S/1994/600), generally addressing the same subject. We believe that our responses of 16 and 25 May 1994 (S/1994/575 and S/1994/615) are still relevant to the discussion and we strongly encourage serious review of these documents.

Second, we believe that, in order to ascertain responsibility for the current situation, it is essential and, after all, just to examine the accountability of the "parties" and the decision makers within and outside the United Nations system.

Third, the steady erosion in the effectiveness of the United Nations Protection Force (UNPROFOR) and the North Atlantic Treaty Organization (NATO) should not be casually blamed on the mandate without undertaking a more thorough analysis of political factors and decision makers lacking the will to execute the mandate, and in some instances, persistently seeking to neutralize such mandate and the forces responsible for implementing it.

Fourth, the report too casually ignores the historical accountability and the legal responsibility of the "parties". With respect to the former point, the so-called Bosnian Serbs have a heavy burden that certainly cannot be ignored in terms of a long pattern of human rights abuses, systematic intimidation of and interference with United Nations-mandated operations and, lastly, the rejection of the Contact Group peace plan. On the other hand, the responsibility of the Government of the Republic of Bosnia and Herzegovina to its territorial integrity, sovereignty and population cannot be diluted. The Government has acted in a most responsible manner, especially in view of the circumstances, towards its population, its legal status and, most indicatively, the United Nations-mandated international factors who have come to our Republic to provide assistance. It does not serve our deliberations or justice to overlook these historical and legal distinctions.

Options for review

We believe that the report comes to one erroneous conclusion contrary to the facts as reported on by numerous international authorities, including the Special Rapporteur, Mr. Tadeusz Mazowiecki. The Secretary-General's report seems to adopt the rhetoric of those who assert that the presence of government military forces and facilities is the prompt, the "provocation" for the Serbian attacks on the safe areas and their civilian population. Although we do take issue with the factual basis behind this assertion as well as its appropriateness in view of the legal responsibilities of our Government to defend our Republic and population, we will only focus our analysis on the inherent assumption that the safe areas and their inhabitants are only the incidental targets of these Serbian attacks.

To quote the report of the Special Rapporteur dated 6 November 1992, "Ethnic cleansing does not appear to be the consequences of the war, but rather its goal" (A/47/635-S/24766, annex, para. 6). The worst civilian casualties, the targeting of innocent women, men and children and ethnic cleansing were initiated in areas where there were no government military forces or facilities and no military confrontations (such as in the towns of Banja Luka, Prijedor and Bijeljina). To paraphrase the report of the Special Rapporteur dated 17 November 1992 (A/47/666-S/24809, annex), the reason for the greater prevalence of ethnic cleansing in Serb-held areas was the lack of weapons and other resources on the part of the Government to defend the targeted civilians. Clearly, government forces are the defence and deterrent against ethnic cleansing.

Consequently, several preliminary conclusions must be drawn here as the basis for our further consideration:

1. Demilitarization of the safe areas (of government forces) as a stand-alone measure could actually have the counter-productive impact of exposing the safe areas and their population to greater danger;

2. The refortification of the safe areas concept must be primarily based on the strengthening of the will and capacity, including of UNPROFOR and NATO, to defend and deter attacks on the safe areas;

3. The Secretary-General's report must be supplemented to overcome the basic contradiction of, on the one hand, promoting the withdrawal of Bosnian Government forces while, on the other hand, rejecting the idea that United Nations-mandated forces have in turn to assume the full responsibility for the security of the civilian population;

4. The United Nations-mandated forces cannot assert deterrence of attacks against civilians while rejecting the responsibility to defend or even deter attacks against the territory of the safe areas on which the civilians live;

5. Regardless of the Secretary-General's view as to whether United Nations-mandated forces should defend the territory of the safe areas as part of deterring attacks on the civilians therein, the Government of the Republic of Bosnia and Herzegovina cannot abrogate its responsibility to defend the territorial integrity of the Republic;

6. Demilitarization, therefore, could only be an effective mechanism where: UNPROFOR and NATO assume full responsibility for the population and territory of the safe areas; the act of demilitarization serves as a further deterrent by significantly raising the symbolic and practical consequences of attacking the safe area by removing any real or fabricated pretexts for the attack; this is specifically agreed to and is consistent with the territorial integrity and sovereignty of the Republic of Bosnia and Herzegovina; other practical measures are implemented to improve the situation of the civilian population and UNPROFOR forces therein;

7. Practical measures that should be implemented include but are not limited to: (a) enlargement of the safe area as may be necessary to promote security and normalcy and deflect intimidation (and to be consistent with the Contact Group map); (b) establishment of "buffer zones" and demilitarization of surrounding Serbian occupied areas; (c) upgrading of mechanisms and commitment to humanitarian assistance delivery; and (d) exhibiting the will and capacity to confront any attack upon, encroachment upon and abridgement of this "United Nations-controlled safe area".

The Government of the Republic of Bosnia and Herzegovina has agreed that the city of Sarajevo (the 10 <u>opstinas</u> - undivided and open) and Srebrenica could be appropriate for consideration as demilitarized "United Nations-controlled safe areas", with potentially other areas to be subsequently reviewed depending on the lessons learned and particular circumstances. We are prepared to engage in a further, more detailed discussion with the proper United Nations authorities, including the Security Council and the Secretariat, about how next to proceed. Several obstacles must be resolved, including the most determinative factor: Are the United Nations, UNPROFOR and NATO prepared to assume full responsibility for the security of the territory and population of the safe areas, and, if so, is there truly a will to live up to such a commitment?

Unfortunately, the previous responses of UNPROFOR and of NATO to attacks upon the safe areas do not engender confidence. Moreover, the Secretary-General's report does not exhibit the necessary will or confidence to assume the responsibility. Finally, while the deliberations are now being pursued within

the Security Council, another key meeting has been under way in The Hague between troop contributors, NATO and UNPROFOR. Preliminary indications are that those very Member States and factors that are promoting demilitarization are also blocking consensus on a more muscular UNPROFOR and a more active and resolute NATO. This is a contradiction that undermines any real potential for progress on the concept of demilitarization specifically and a more effective UNPROFOR and NATO in general. Those who are responsible for this contradiction deserve to have their motives publicly questioned, and they owe our Republic and people, as well as the international community, an honest explanation.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative